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28E-FILED on 10/28/10IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISIONREHAN SHEIKH,
Plaintiff,
v.
CISCO SYSTEMS, INC.,
Defendant.No. C-07-00262 RMW
ORDER DISMISSING CASE

This case was ordered stayed subject to arbitration on March 31, 2009. The court issued an order to show cause why this case should not be dismissed for lack of prosecution because it appeared that either no action had been taken or the action had been resolved. Both parties responded to the order to show cause. The court learned that plaintiff had taken no action to institute arbitration since the court's March 31, 2009 order. Plaintiff suggested that it was up to defendant to present the papers to him to institute arbitration. The court finds that plaintiff's failure to take action was unreasonable given the time that has elapsed since the court's order granting the motion to compel arbitration. Therefore, the court dismisses this action without prejudice for failure to diligently prosecute.

Plaintiff is not precluded from seeking to proceed with the arbitration. If an arbitration is held, either party may file a new action to confirm the arbitration award, if necessary and

1 appropriate. Defendant is requested to supply plaintiff with the information explaining how to
2 institute the arbitration if it has not already done so.

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6 DATED: 10/28/10

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

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